IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 8970 of 2004

Between:

Alluri Venkatarama Raju, S/o Late Narasimharaju, Hindu,
R/o Turkyamjal village, R.R. District,
Rep. by his GPA Holder B. Sudershan Goud.

..... PETITIONER

AND

1. The District Collector, R.R. District, Lakdikapool, Hyderabad.
2. The Assistant Director, Survey and Land Records, Hyderabad,Ranga Reddy District.
3. The Mandal Revenue Officer -cum-Deputy Collector, Hayathnagar Mandal, Hyderabad,
   Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of writ of Mandamus directing the third respondent to demarcate and fix and boundary stones for Ac. 14.10 guntas in Sy.No. 338 as per the patta proceedings No. B/2992 dt. 19-12-1989 vide petitioners application for survey dt. 29-8-2003.

Counsel for the Petitioner: MR.M.JANARDHAN RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following:

O R D E R :

1. This Writ Petition has been filed by Alluri Venkatarama Raju with a prayer to issue a Writ of Mandamus directing the third respondent to demarcate and fix the boundary stones for Ac.14.10 guntas in Sy.No.338 as per the patta proceedings No.B/2992 dated 19.12.1989.

2. It is the case of the petitioner that he is the owner of Ac.14.10 guntas in Survey No.338 as per the patta granted in his favour vide proceedings No.B/2992 dated 19.12.1989. It is his further case that he submitted an application for demarcation of his land and his application for demarcation came to be rejected on the ground that the survey of the part of the survey number cannot be possible in view of the non-availability of the partly demarcating record. I deem it appropriate to refer the relevant portion of the memo dated 1.5.2004 and it is thus:

" In the reference 1st cited Sri.Aluru Venkata Rama Raju, R/o Turkayamjal is hereby informed that you have applied for demarcation of Sy.No.338/part to an extent of Ac.14-00 gts situated at Tukayamjal village of Hayathnagar Mandal.

In the reference 2nd cited the M.S. has reported that the applicant has requested for demarcation of part of Sy.No.338/part situated at Trukayamjal (V) – the M.S.expressed his inability for completion of partly demarcation as the partly record is not available in Mandal Revenue Office and Assistance Director, S & L.R.R.R. District office.

Hence the applicant is hereby informed that the demarcation of land cannot be considered in this case."

3. Heard the learned counsel for the petitioner and the Government Pleader for

Revenue appearing for the respondents.

4. Learned counsel for the petitioner submits that rejection of the application filed by the petitioner for demarcation of his land is not legal and proper. Learned Government Pleader for Revenue appearing for respondents 1 to 3 submits that in the absence of demarcation record survey, of part of the land is not possible. Keeping in view the submissions made by the learned counsel for the parties, I deem it appropriate to direct the petitioner to submit fresh application for measurement of the entire survey number and thereafter demarcating his land in accordance with the documents on which the petitioner's claim is based.

5. Accordingly, this writ petition is disposed of. NO costs.

Dated: 29-06-2005 (B.Seshasayana Reddy, J)

tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, R.R. District, Lakdikapool, Hyderabad.
2. The Assistant Director, Survey and Land Records, Hyderabad,Ranga Reddy District.
3. The Mandal Revenue Officer -cum-Deputy Collector, Hayathnagar Mandal, Hyderabad,
   Ranga Reddy District.
4. Two copies to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).
5. 2 CD copies